

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
GARY BEAUMONT,

Plaintiff,

-against-

**1:22-cv-06235-MKV**

VANGUARD LOGISTICS SERVICES(USA), INC.,  
and JOHN DOES 1-10  
(Fictitious Names)  
and ABC COMPANIES 1-10,  
(Fictitious Names)

Defendants.

**REQUEST FOR CLERK'S  
CERTIFICATE OF DEFAULT**

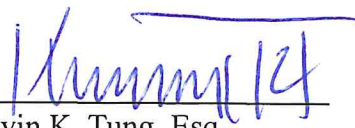
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TO THE CLERK OF THE COURT:

Pursuant to Fed. R. Civ. P. 55(a) and L.R. 55.1, Plaintiff GARY BEAUMONT requests a Clerk's certificate of entry of default. Within in an accompanying affidavit, I affirm that the party against whom the judgment is sought:

- 1) is not an infant or incompetent person;
- 2) is not in the military service;
- 3) was properly served under Fed. R. C. P. 4 and proof of service having been filed with the court;
- 4) has defaulted in appearance in the above captioned action.

Dated: November 29, 2022

KEVIN KERVENG TUNG, P.C.  
Attorneys for Plaintiff

  
By: Kevin K. Tung, Esq.  
Queens Crossing Business Center  
136-20 38th Avenue, Suite 3D  
Flushing, New York 11354  
(718) 939-4633

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**DECLARATION IN SUPPORT  
OF REQUEST FOR ENTRY OF  
DEFAULT**

Kevin K. Tung, the Plaintiff and an attorney duly admitted to practice law before this Court, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746(2) that the following statements are true and correct:

1. I am a member of KEVIN KERVENG TUNG, P.C., attorneys for the Plaintiff, Gary Beaumont, in the above-entitled action, and as such am fully familiar with all the facts and circumstances set forth below.

2. I hereby make application to the Clerk of this Court for entry of default as to VANGUARD LOGISTICS SERVICES(USA), INC. ("VLS") pursuant to Rule 55(a) of Federal Rules of Civil Procedure.

3. This action was commenced against the foregoing defendant for liabilities under common law negligence, liabilities under the Carriage of Goods by Sea Act, liabilities for breach of maritime contract, liabilities for breach of federal maritime common law of bailment, liabilities under Consumer Fraud Act N.J.S.A. 56:8-2.

4. On or about April 7, 2022, Plaintiff commenced the instant action in the Superior Court of New Jersey, Law Division in Middlesex County by filing of a summons and complaint under the Docket No.: Mid-L-1764-22. Upon the notice of removal filed by VLS dated May 10, 2022, in paragraph 2, the defendant VLS admitted that VLS received a copy of the Complaint and the Summons on April 11, 2022. A copy of the Notice of Removal is annexed hereto as Exhibit A. Upon granting the motion to remove, the case was removed to Federal District Court of New Jersey, Newark Vicinage, under the Docket No.: 2:22-cv-02715-WJM-LDW. Upon the motion filed by defendant to transfer venue, this case was transferred to this Court from United States District Court for the District of New Jersey.

5. Defendant VANGUARD LOGISTICS SERVICES(USA), INC., was served with the first amended complaint on October 12, 2022 pursuant to the order issued by United States District Hon. May Kay Vyskocil dated October 12, 2022 [Doc #17] attached hereto as Exhibit B, as evidenced with the proof of service filed with this court [Doc #18]. A copy of the proof of service is annexed hereto as Exhibit C.

6. Pursuant to the above-mentioned order issued by Hon. May Kay Vyskocil dated October 12, 2022, defendant VANGUARD LOGISTICS SERVICES(USA), INC., was required to plead to or otherwise respond to the complaint within 14 days from the date of the filing of the Amended Complaint. As such, the time for defendant to answer or otherwise move with respect to the complaint herein has expired.

7. Defendant VANGUARD LOGISTICS SERVICES(USA), INC., has not answered or otherwise moved with respect to the complaint, and the time for it to answer or otherwise move has not been extended.

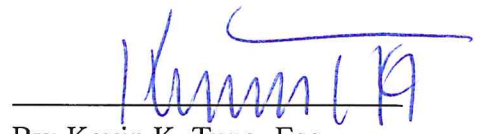
8. Upon information and belief, defendant VANGUARD LOGISTICS SERVICES(USA), INC., being a corporation, is neither an infant nor an incompetent person, and is not presently serving with the armed forces

WHEREFORE, plaintiff requests that the default against defendant VANGUARD LOGISTICS SERVICES(USA), INC., be entered.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Executed on November 29, 2022

KEVIN KERVENG TUNG, P.C.  
Attorneys for Plaintiff



By: Kevin K. Tung, Esq.  
Queens Crossing Business Center  
136-20 38th Avenue, Suite 3D  
Flushing, New York 11354  
(718) 939-4633

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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GARY BEAUMONT,

Plaintiff,

-against-

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**[PROPOSED] CLERK'S  
CERTIFICATE OF DEFAULT**

VANGUARD LOGISTICS SERVICES(USA), INC.,  
and JOHN DOES 1-10  
(Fictitious Names)  
and ABC COMPANIES 1-10,  
(Fictitious Names)

Defendants.

-----X  
I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on April 5, 2022 in the Superior Court of New Jersey, Law Division in Middlesex County with the filing of a summons and complaint under the Docket No.: Mid-L-1764-22. The defendant VANGUARD LOGISTICS SERVICES(USA), INC.("VLS") had appeared and admitted that VLS received a copy of the Complaint and the Summons on April 11, 2022 in the filing of the notice of removal dated May 10, 2022 with United States District Court for the District of New Jersey. Upon granting the notice of removal, this action was removed to United States District Court for the District of New Jersey under Docket No.: 2:22-cv-02715-WJM-LDW. Upon the motion filed by defendant VLS to transfer venue, this case was transferred to the United States District Court for the Southern District of New York from United States District Court for the District of New Jersey. Defendant VLS was served with the first amended complaint through electronically filing system as evidenced with the proof of service filed on October 12, 2022, *Doc. #18*.

I further certify that the docket entries indicate that the defendant(s) has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant

VANGUARD LOGISTICS SERVICES(USA), INC. is hereby entered pursuant to Federal Rule of Civil Procedure 55(a).

Dated: New York, New York

\_\_\_\_\_, 2022

**RUBY J. KRAJICK**

**Clerk of Court**

By: \_\_\_\_\_

**Deputy Clerk**